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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/167,267	10/06/1998	SEIJI SHIMIZU	P/2054-92	1164

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EXAMINER

KWOH, JASPER C

ART UNIT	PAPER NUMBER
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2663

DATE MAILED: 05/12/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/167,267

Applicant(s)

SHIMIZU, SEIJI

Examiner

Jasper Kwoh

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7 is/are allowed.
- 6) ☒ Claim(s) 1-3,5,6,8,9 and 11-17 is/are rejected.
- 7) ☒ Claim(s) 4 and 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All   b) ☐ Some \*   c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed 3/12/03 includes JP 6-132837. That has already been considered in PTO-982 of paper #6.

### ***Claim Rejections - 35 USC § 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-3, 8-9 and 14-17 rejected under 35 U.S.C. 103(a) as being unpatentable over Oki in view of Yamamoto (US005606741A).

Regarding claims 1, 8, 14 and 16, Oki discloses a terminal and method comprising wireless transmitting/receiving means (i.e. fig. 1, constitution; radio receiver unit); detecting means detecting a received electric field strength (i.e. paragraph 21 of the example, lines 7-8; the system analysis the level of received radio wave, therefore, radio wave strength is inherently detected in order to obtain the strength information); and operation clock control means controlling the frequency of an operation clock for processing data transmitted and received based on a received electric field strength (i.e. paragraph 21 of example, lines 6-10; clock generation part increase/decrease clock frequency causing change in operation speed mode of the data processing section depending on the strength of the received radio wave). Oki does not specifically disclose a receiving and transmitting portion. However, Yamamoto teaches that the field strength detecting means (i.e. fig. 2, 9; field intensity circuit which is connected to the transceiver detect the field strength to determine optimum receive period) could be

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coupled with a receiving/transmitting portion. Therefore, it would have been obvious for an ordinary person skilled in the art at the time of the invention to include transceiver as taught by Yamamoto with the apparatus and method of Oki. The motivation would be to be able to transmit and receive while reducing error and interference.

Regarding claims 2 and 9, Oki discloses that the frequency becomes smaller as the electric field strength becomes smaller (i.e. paragraph 21 of example, lines 6-7, processing speed is lowered when the radio wave is weak because the clock frequency is reduced).

Regarding claim 3, it is inherent that the method and system of Oki uses memory means stored the electric field strength for the clock control means because the received information has to be stored in order to be used by other components of the system.

Regarding claims 15 and 17, Oki discloses when the frequency of the operation clock changes the operating speed of the CPU will change because the speed of the CPU depends on the clock speed (i.e. paragraph 21 of example, lines 6-10; clock generation part increase/decrease clock frequency causing change in operation speed mode of the data processing section depending on the strength of the received radio wave).

3. Claims 5-6 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oki in view of Yamamoto as applied to claims 1 and 8 above, and further in view of Kondo et al. (US005390340A).

Regarding claims 5-6 and 11-13, Oki in view of Yamamoto does not specifically disclose the system and method uses interrupt signals to control the frequency of the clock. However, Kondo discloses interrupt signals controlling the frequency of the clock (i.e. col. 5, ll. 66-68; the clock control circuit interrupts clock synchronization using CC). Therefore, it would have been obvious to use interrupt signals to control clock frequency as taught by Kondo with the method and terminal of Oki. The motivation is to control the clock pulses and start/stop the synchronization operation.

***Allowable Subject Matter***

4. Claim 7 is allowed.
5. Claims 4 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

6. Applicant's arguments with respect to claims 1-3, 5-6, 8-9 and 11-17 have been considered but are moot in view of the new ground(s) of rejection.
7. Applicant asserts that the Oki reference does not disclose a receiver and a transmitter. However, it would have been obvious to include a transmitter and receiver in the same unit as most modern day wireless devices both transmit and receive as explained above.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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- a. Ishi (US005867786A) is cited to show transceivers monitoring channel switching including the use of field strengths;
- b. Hitachi (JP 04-165867) is cited to show method for electric field strength detection procedure control for mobile radio communication.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jasper Kwoh whose telephone number is (703) 305-0101. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (703)308-5340. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-4700.



JK  
May 7, 2003

Jasper Kwoh  
Examiner  
Art Unit 2663



MELVIN MARCELO  
PRIMARY EXAMINER